

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

616Q0623

HOUSE BILL NO. 1154

Introduced by: Representatives Cutler, Blake, Bolin, Dreyer, Engels, Fargen, Frerichs, Hunhoff (Bernie), Peters, Thompson, and Turbiville and Senators Dempster, Knudson, Merchant, Nelson, Nesselhuf, Novstrup (Al), Schmidt, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for eligibility for opportunity
2 scholarships.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-55-31 be amended to read as follows:

5 13-55-31. In order to be eligible for a South Dakota opportunity scholarship award, a student
6 shall:

- 7 (1) Be a resident of South Dakota at the time of graduation from high school;
- 8 (2) Have a composite score of 24, or higher, on the test administered by the American
9 College Testing Program or an equivalent score as determined by the Board of
10 Regents on the Scholastic Assessment Test. The student shall take the ACT or SAT
11 test before beginning postsecondary education;
- 12 (3) Meet the high school course requirements for graduation from the distinguished high
13 school program as provided in section 24:43:11:05 of the Administrative Rules of
14 South Dakota as in effect on January 1, 2008;



(4) Attend a university, college, or technical school that is accredited by the North Central Association of Colleges and Schools and that provides instruction from a campus located in South Dakota; and

(5) Enter into the program within five years of graduation from high school or within one year of the student's release from active duty with an active component of the armed forces if the release is within five years of the student's graduation from high school.

If a student attends full-time a regionally accredited university, college, or technical school located outside South Dakota and within two years following high school graduation or within two years following release from active military service returns to the state to attend full-time a regionally accredited university, college, or technical school, the student is eligible to receive a partial award.

A student is eligible to participate in the South Dakota opportunity scholarship program for the equivalent of four academic years (eight consecutive spring and fall terms) or until the attainment of a baccalaureate degree, whichever comes first, and shall maintain continuous attendance, enrolling in consecutive spring and fall terms. However, ~~the~~ a participating student who leaves a university, college, or technical school in South Dakota to attend a university, college, or technical school outside the state for no more than two consecutive terms may be reinstated in the opportunity scholarship program if the student returns to a university, college, or technical school in South Dakota and meets the requirements of § 13-55-34. The executive director of the Board of Regents may grant additional exceptions to the continuous enrollment requirements for good cause shown.

A student who would have been eligible for the scholarship, but who applies after completing one or more semesters of full-time work at an accredited institution, may be admitted to the program only if the student has complied with the same grade point and credit

hour requirements that would apply to program participants. Admission granted under these circumstances may not be retroactive, and eligibility for participation in the program shall be reduced by one semester for each semester of work completed prior to admission to the program.

Section 2. That § 13-55-34 be amended to read as follows:

13-55-34. In order to maintain eligibility, a student shall:

(1) Maintain a cumulative 3.0 grade point average on a 4.0 scale. Cumulative grade point average shall be calculated after the second semester and every semester thereafter.

The student shall complete consecutive spring and fall terms in order to remain eligible for continuation of the scholarship program from term to term. A student whose cumulative grade point average falls below 3.0 on a 4.0 scale shall forfeit the scholarship for the subsequent semester and for subsequent semesters until the student has reestablished eligibility. To reestablish eligibility, the student shall comply with all course load, enrollment, and proficiency examination requirements for continued eligibility stated in §§ 13-55-30 to 13-55-35, inclusive, and the student shall achieve a cumulative grade point average of 3.0, or greater, on a 4.0 scale. The scholarship shall be reinstated beginning the semester following that in which the student achieves a cumulative grade point average of 3.0, or greater, on a 4.0 scale.

Reinstatement of a scholarship does not extend the time allowed under the scholarship program; any scholarship award forfeited cannot be reclaimed after a student has regained eligibility. A student whose cumulative grade point average falls below 3.0 on a 4.0 scale a second time forfeits the scholarship for all subsequent semesters;

(2) Complete fifteen credit hours of instruction per semester. The student shall enroll in

1 and complete at least fifteen credit hours of instruction in each consecutive spring
2 and fall term. If the executive director of the Board of Regents determines that a
3 student's failure to enroll or to maintain continued enrollment occurred as a direct
4 result of legitimate factors outside the student's control, or has resulted from the
5 student's participation in an activity that in the executive director's judgment provides
6 knowledge or experience that will enhance the student's academic pursuits, the
7 executive director may extend the student's eligibility to participate in the program
8 for up to two additional years, if the student does not enroll in a noneligible
9 institution; and

- 10 (3) Sit for and pass all sections of a college proficiency exam as required by Board of
11 Regents Policy Number 2.28 as in effect on January 1, 2003, at the end of the
12 sophomore year, or as soon as practicable if the student is not attending a South
13 Dakota institution that term. The Board of ~~regents~~ Regents may review and adjust the
14 proficiency examinations administered in keeping with sound academic practice. If
15 such changes are made, the Board of Regents shall notify all eligible institutions of
16 new testing standards or requirements. If the student fails to pass the proficiency
17 examinations the first time, eligibility is forfeited for continuation in the scholarship
18 program.

19 Section 3. That ARSD 24:40:13:03 be amended to read as follows:

20 24:40:13:03. Loss of eligibility due to attendance outside South Dakota. A student is not
21 eligible for the scholarship program if the student attends full time an institution located outside
22 South Dakota for ~~one or more~~ than two semesters or quarters. Full-time enrollment in a distance
23 education program offered by an institution located outside South Dakota constitutes attendance
24 outside South Dakota for purpose of this rule. A student enrolled in an institution outside South

Dakota is deemed to attend full time if the student carries a full-time academic workload as determined by the institution under a standard applicable to all students enrolled in a particular educational program. The student's workload may include any combination of courses, work, research, or special studies that the institution considers sufficient to classify the student as a full-time student.

Section 4. That ARSD 24:40:13:06 be amended to read as follows:

24:40:13:06. Persistence requirements for continuing eligibility. Upon entering the scholarship program, each student shall maintain ~~continuous attendance, enrolling in consecutive spring and fall terms~~ as required by SDCL 13-55-31, subject to the following exceptions:

(1) A student may petition the executive director to be excused from strict compliance with this regulation during semesters in which the student participates in institutionally sponsored or approved exchange programs, internships, or similar structured, supervised, credit-bearing learning experiences that preclude enrollment in the participating institution's standard curriculum;

(2) A student who fails to complete continuous enrollment requirements because the student must report for active military service will not thereby lose his or her eligibility;

(3) The executive director may waive continuous enrollment requirements for good cause shown and may place such conditions upon the waiver as may be necessary and prudent to achieve the objectives of the scholarship program.